

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 560

Introduced by Baker, 44

Read first time January 21, 2003

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Department of Motor Vehicles; to amend
2 sections 37-1201, 60-6,324, and 60-1805, Reissue Revised
3 Statutes of Nebraska, and sections 13-910, 30-24,125,
4 37-1291, 60-106, 60-108, 60-110, 60-111.01, 60-301,
5 60-302.05, 60-308, 60-311.01, 60-311.02, 60-483, and
6 81-8,219, Revised Statutes Supplement, 2002; to provide
7 for transfer of certificates of title for motorboats in
8 certain decedents' estates; to provide for salvage and
9 nontransferable certificates of title for motorboats; to
10 provide for disposition of abandoned motorboats; to
11 change provisions relating to the State Boat Act, motor
12 vehicle certificates of title and registration, and
13 registration of snowmobiles and camper units; to change
14 fees for motor vehicle record requests; to provide
15 penalties; to provide an operative date; to harmonize
16 provisions; and to repeal the original sections.

17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-910, Revised Statutes Supplement,
2 2002, is amended to read:

3 13-910. The Political Subdivisions Tort Claims Act and
4 sections 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply
5 to:

6 (1) Any claim based upon an act or omission of an
7 employee of a political subdivision, exercising due care, in the
8 execution of a statute, ordinance, or officially adopted
9 resolution, rule, or regulation, whether or not such statute,
10 ordinance, resolution, rule, or regulation is valid;

11 (2) Any claim based upon the exercise or performance of
12 or the failure to exercise or perform a discretionary function or
13 duty on the part of the political subdivision or an employee of the
14 political subdivision, whether or not the discretion is abused;

15 (3) Any claim based upon the failure to make an
16 inspection or making an inadequate or negligent inspection of any
17 property other than property owned by or leased to such political
18 subdivision to determine whether the property complies with or
19 violates any statute, ordinance, rule, or regulation or contains a
20 hazard to public health or safety unless the political subdivision
21 had reasonable notice of such hazard or the failure to inspect or
22 inadequate or negligent inspection constitutes a reckless disregard
23 for public health or safety;

24 (4) Any claim based upon the issuance, denial,
25 suspension, or revocation of or failure or refusal to issue, deny,
26 suspend, or revoke any permit, license, certificate, or order.
27 Nothing in this subdivision shall be construed to limit a political
28 subdivision's liability for any claim based upon the negligent

1 execution by an employee of the political subdivision in the
2 issuance of a certificate of title under sections 37-1278 to
3 37-1279, 37-1282, 37-1283, 37-1291, 60-110 to 60-112, and 60-129 to
4 60-131 and sections 5 to 11 of this act;

5 (5) Any claim arising with respect to the assessment or
6 collection of any tax or fee or the detention of any goods or
7 merchandise by any law enforcement officer;

8 (6) Any claim caused by the imposition or establishment
9 of a quarantine by the state or a political subdivision, whether
10 such quarantine relates to persons or property;

11 (7) Any claim arising out of assault, battery, false
12 arrest, false imprisonment, malicious prosecution, abuse of
13 process, libel, slander, misrepresentation, deceit, or interference
14 with contract rights;

15 (8) Any claim by an employee of the political subdivision
16 which is covered by the Nebraska Workers' Compensation Act;

17 (9) Any claim arising out of the malfunction,
18 destruction, or unauthorized removal of any traffic or road sign,
19 signal, or warning device unless it is not corrected by the
20 political subdivision responsible within a reasonable time after
21 actual or constructive notice of such malfunction, destruction, or
22 removal. Nothing in this subdivision shall give rise to liability
23 arising from an act or omission of any political subdivision in
24 placing or removing any traffic or road signs, signals, or warning
25 devices when such placement or removal is the result of a
26 discretionary act of the political subdivision;

27 (10) Any claim arising out of snow or ice conditions or
28 other temporary conditions caused by nature on any highway as

1 defined in section 60-624, bridge, public thoroughfare, or other
2 public place due to weather conditions. Nothing in this
3 subdivision shall be construed to limit a political subdivision's
4 liability for any claim arising out of the operation of a motor
5 vehicle by an employee of the political subdivision while acting
6 within the course and scope of his or her employment by the
7 political subdivision;

8 (11) Any claim arising out of the plan or design for the
9 construction of or an improvement to any highway as defined in such
10 section or bridge, either in original construction or any
11 improvement thereto, if the plan or design is approved in advance
12 of the construction or improvement by the governing body of the
13 political subdivision or some other body or employee exercising
14 discretionary authority to give such approval; or

15 (12) Any claim arising out of the alleged insufficiency
16 or want of repair of any highway as defined in such section,
17 bridge, or other public thoroughfare. Insufficiency or want of
18 repair shall be construed to refer to the general or overall
19 condition and shall not refer to a spot or localized defect. A
20 political subdivision shall be deemed to waive its immunity for a
21 claim due to a spot or localized defect only if the political
22 subdivision has had actual or constructive notice of the defect
23 within a reasonable time to allow repair prior to the incident
24 giving rise to the claim.

25 Sec. 2. Section 30-24,125, Revised Statutes Supplement,
26 2002, is amended to read:

27 30-24,125. (a) Thirty days after the death of a
28 decedent, any person indebted to the decedent or having possession

1 of tangible personal property or an instrument evidencing a debt,
2 obligation, stock, or chose in action belonging to the decedent
3 shall make payment of the indebtedness or deliver the tangible
4 personal property or an instrument evidencing a debt, obligation,
5 stock, or chose in action to a person claiming to be the successor
6 of the decedent upon being presented an affidavit made by or on
7 behalf of the successor stating:

8 (1) the value of all of the personal property in the
9 decedent's estate, wherever located, less liens and encumbrances,
10 does not exceed twenty-five thousand dollars;

11 (2) thirty days have elapsed since the death of the
12 decedent as shown in a certified or authenticated copy of the
13 decedent's death certificate attached to the affidavit;

14 (3) the claiming successor's relationship to the decedent
15 or, if there is no relationship, the basis of the successor's claim
16 to the personal property;

17 (4) the person or persons claiming as successors under
18 the affidavit swear or affirm that all statements in the affidavit
19 are true and material and further acknowledge that any false
20 statement may subject the person or persons to penalties relating
21 to perjury under section 28-915;

22 (5) no application or petition for the appointment of a
23 personal representative is pending or has been granted in any
24 jurisdiction; and

25 (6) the claiming successor is entitled to payment or
26 delivery of the property.

27 (b) A transfer agent of any security shall change the
28 registered ownership on the books of a corporation from the

1 decedent to the successor or successors upon the presentation of an
2 affidavit as provided in subsection (a).

3 (c) In addition to compliance with the requirements of
4 subsection (a), a person seeking a transfer of a certificate of
5 title to a motor vehicle or motorboat shall be required to furnish
6 to the Department of Motor Vehicles an affidavit showing
7 applicability of this section and compliance with the requirements
8 of this section to authorize the department to issue a new
9 certificate of title.

10 Sec. 3. Section 37-1201, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 37-1201. Sections 37-1201 to 37-1291 and sections 5 to
13 23 of this act shall be known and may be cited as the State Boat
14 Act. It is the policy of this state to promote safety for persons
15 and property in and connected with the use, operation, and
16 equipment of vessels and to promote uniformity of laws relating
17 thereto.

18 Sec. 4. Section 37-1291, Revised Statutes Supplement,
19 2002, is amended to read:

20 37-1291. When an insurance company authorized to do
21 business in Nebraska acquires a motor boat which has been properly
22 titled and registered in a state other than Nebraska through
23 payment of a total loss settlement on account of theft and the
24 motor boat has not become unusable for transportation through
25 damage and has not sustained any malfunction beyond reasonable
26 maintenance and repair, the company shall obtain the certificate of
27 title from the owner and may make application for a nontransferable
28 certificate of title by surrendering the certificate of title to

1 the county clerk. A nontransferable certificate of title shall be
2 issued in the same manner and for the same fee as provided for a
3 certificate of title in sections 37-1275 to 37-1287 and shall be on
4 a form prescribed by the Department of Motor Vehicles.

5 A motor boat which has a nontransferable certificate of
6 title shall not be sold or otherwise transferred or disposed of
7 without first obtaining a certificate of title under sections
8 37-1275 to 37-1287.

9 When a nontransferable certificate of title is
10 surrendered for a certificate of title, the application shall be
11 accompanied by a statement from the insurance company stating that
12 to the best of its knowledge the motor boat has not become unusable
13 for transportation through damage and has not sustained any
14 malfunction beyond reasonable maintenance and repair. The
15 statement shall not constitute or imply a warranty of condition to
16 any subsequent purchaser or operator of the motor boat. Sections
17 37-1201 to 37-1291 shall be known and may be cited as the State
18 Boat Act.

19 Sec. 5. For purposes of this section and sections 6 to
20 11 of this act:

21 (1) Cost of repairs means the estimated or actual retail
22 cost of parts needed to repair a motorboat plus the cost of labor
23 computed by using the hourly labor rate and time allocations for
24 repair that are customary and reasonable. Retail cost of parts and
25 labor rates may be based upon collision estimating manuals or
26 electronic computer estimating systems customarily used in the
27 insurance industry;

28 (2) Late model motorboat means a motorboat which has (a)

1 a manufacturer's model year designation of, or later than, the year
2 in which the motorboat was wrecked, damaged, or destroyed, or any
3 of the six preceding years or (b) a retail value of more than ten
4 thousand dollars until January 1, 2005, a retail value of more than
5 ten thousand five hundred dollars until January 1, 2010, and a
6 retail value of more than ten thousand five hundred dollars
7 increased by five hundred dollars every five years thereafter;

8 (3) Previously salvaged means the designation of a
9 rebuilt or reconstructed motorboat which was previously required to
10 be issued a salvage branded certificate of title;

11 (4) Retail value means the actual cash value, fair market
12 value, or retail value of a motorboat as (a) set forth in a current
13 edition of any nationally recognized compilation, including
14 automated data bases, of retail values or (b) determined pursuant
15 to a market survey of comparable motorboats with respect to
16 condition and equipment; and

17 (5) Salvage means the designation of a motorboat which
18 is:

19 (a) A late model motorboat which has been wrecked,
20 damaged, or destroyed to the extent that the estimated total cost
21 of repair to rebuild or reconstruct the motorboat to its condition
22 immediately before it was wrecked, damaged, or destroyed and to
23 restore the motorboat to a condition for legal operation, meets or
24 exceeds seventy-five percent of the retail value of the motorboat
25 at the time it was wrecked, damaged, or destroyed; or

26 (b) Voluntarily designated by the owner of the motorboat
27 as a salvage motorboat by obtaining a salvage branded certificate
28 of title, without respect to the damage to, age of, or value of the

1 motorboat.

2 Sec. 6. When an insurance company acquires a salvage
3 motorboat through payment of a total loss settlement on account of
4 damage, the company shall obtain the certificate of title from the
5 owner, surrender such certificate of title to the county clerk, and
6 make application for a salvage branded certificate of title which
7 shall be assigned when the company transfers ownership. An insurer
8 shall take title to a motorboat for which a total loss settlement
9 is made.

10 Sec. 7. Whenever a title is issued in this state for a
11 motorboat that is designated as salvage or previously salvaged, the
12 following title brands shall be required: Salvage or previously
13 salvaged. A certificate branded salvage or previously salvaged
14 shall be administered in the same manner and for the same fee as
15 provided for a certificate of title in sections 37-1275 to 37-1287.

16 Sec. 8. A certificate of title which is issued on or
17 after January 1, 2004, shall disclose in writing, from any records
18 readily accessible to the Department of Motor Vehicles or county
19 officials or a law enforcement officer, anything which indicates
20 that the motorboat was previously issued a title in another
21 jurisdiction that bore any word or symbol signifying that the
22 motorboat was damaged, including, but not limited to, older model
23 salvage, unrebuildable, parts only, scrap, junk, nonrepairable,
24 reconstructed, rebuilt, flood damaged, damaged, or any other
25 indication, symbol, or word of like kind, and the name of the
26 jurisdiction issuing the previous title.

27 Sec. 9. Any person who acquires ownership of a salvage
28 motorboat, for which he or she does not obtain a salvage branded

1 certificate of title, shall surrender the certificate of title to
2 the county clerk and make application for a salvage branded
3 certificate of title within thirty days after acquisition or prior
4 to the sale or resale of the motorboat or any major component part
5 of such motorboat or use of any major component part of the
6 motorboat, whichever occurs earlier.

7 Sec. 10. Nothing in sections 6 to 11 of this act shall
8 be construed to require the actual repair of a wrecked, damaged, or
9 destroyed motorboat to be designated as salvage.

10 Sec. 11. Any person who knowingly transfers a wrecked,
11 damaged, or destroyed motorboat in violation of sections 6 to 9 of
12 this act is guilty of a Class IV felony.

13 Sec. 12. (1) A motorboat is abandoned:

14 (a) If left unattended for more than seven days on any
15 public property;

16 (b) If left unattended for more than seven days on
17 private property if left initially without permission of the owner;

18 (c) If left for more than seven days on private property
19 after permission of the owner is terminated; or

20 (d) If left for more than thirty days in the custody of a
21 law enforcement agency after the agency has sent a letter to the
22 last-registered owner under section 15 of this act.

23 (2) For purposes of this section:

24 (a) Public property means any public park, waterfront, or
25 other state, county, or municipally owned property; and

26 (b) Private property means any privately owned property
27 which is not included within the definition of public property.

28 (3) No motorboat subject to forfeiture under section

1 28-431 shall be deemed abandoned under this section.

2 Sec. 13. If an abandoned motorboat, at the time of
3 abandonment, has no hull identification number affixed and is of a
4 wholesale value, taking into consideration the condition of the
5 motorboat, of two hundred fifty dollars or less, title shall
6 immediately vest in the local authority or state agency having
7 jurisdiction thereof as provided in section 16 of this act. Any
8 certificate of title issued under this section to the local
9 authority or state agency shall be issued at no cost to such
10 authority or agency.

11 Sec. 14. (1) Except for motorboats covered by section 13
12 of this act, the local authority or state agency having custody of
13 an abandoned motorboat shall make an inquiry concerning the
14 last-registered owner of such motorboat to the Department of Motor
15 Vehicles.

16 (2) The local authority or state agency shall notify the
17 last-registered owner, if any, that the motorboat in question has
18 been determined to be abandoned and that, if unclaimed, either (a)
19 it will be sold or will be offered at public auction after five
20 days from the date such notice was mailed or (b) title will vest in
21 the local authority or state agency thirty days after the date such
22 notice was mailed. If the Department of Motor Vehicles also
23 notifies the local authority or state agency that a lien or
24 mortgage exists, such notice shall also be sent to the lienholder
25 or mortgagee. Any person claiming such motorboat shall be required
26 to pay the cost of removal and storage of such motorboat.

27 (3) Title to an abandoned motorboat, if unclaimed, shall
28 vest in the local authority or state agency (a) five days after the

1 date the notice is mailed if the motorboat will be sold or offered
2 at public auction under subdivision (2)(a) of this section, (b)
3 thirty days after the date the notice is mailed if the local
4 authority or state agency will retain the motorboat, or (c) if the
5 last-registered owner cannot be ascertained, when notice of such
6 fact is received.

7 (4) After title to the abandoned motorboat vests pursuant
8 to subsection (3) of this section, the local authority or state
9 agency may retain for use, sell, or auction the abandoned
10 motorboat. If the local authority or state agency has determined
11 that the motorboat should be retained for use, the local authority
12 or state agency shall, at the same time that the notice, if any, is
13 mailed, publish in a newspaper of general circulation in the
14 jurisdiction an announcement that the local authority or state
15 agency intends to retain the abandoned vehicle for its use and that
16 title will vest in the local authority or state agency thirty days
17 after the publication.

18 Sec. 15. A state or local law enforcement agency which
19 has custody of a motorboat for investigatory purposes and has no
20 further need to keep it in custody shall send a certified letter to
21 each of the last-registered owners stating that the motorboat is in
22 the custody of the law enforcement agency, that the motorboat is no
23 longer needed for law enforcement purposes, and that after thirty
24 days the agency will dispose of the motorboat. This section shall
25 not apply to a motorboat subject to forfeiture under section
26 28-431. No storage fees shall be assessed against the registered
27 owner of a motorboat held in custody for investigatory purposes
28 under this section unless the registered owner or the person in

1 possession of the motorboat when it is taken into custody is
2 charged with a felony or misdemeanor related to the offense for
3 which the law enforcement agency took the motorboat into custody.
4 If a registered owner or the person in possession of the motorboat
5 when it is taken into custody is charged with a felony or
6 misdemeanor but is not convicted, the registered owner shall be
7 entitled to a refund of the storage fees.

8 Sec. 16. If a state agency caused an abandoned motorboat
9 described in subdivision (1)(d) of section 12 of this act to be
10 removed from public property, the state agency shall be entitled to
11 custody of the motorboat. If a state agency caused an abandoned
12 motorboat described in subdivision (1)(a), (b), or (c) of section
13 12 of this act to be removed from public property, the state agency
14 shall deliver the motorboat to the local authority which shall have
15 custody. The local authority entitled to custody of an abandoned
16 motorboat shall be the county in which the motorboat was abandoned
17 or, if abandoned in a city or village, the city or village in which
18 the motorboat was abandoned.

19 Sec. 17. Any proceeds from the sale of an abandoned
20 motorboat less any expenses incurred by the local authority or
21 state agency shall be held by the local authority or state agency
22 without interest, for the benefit of the owner or lienholders of
23 such motorboat for a period of two years. If not claimed within
24 such two-year period, the proceeds shall be paid into the general
25 fund of the local authority entitled to custody under section 16 of
26 this act or the General Fund if a state agency is entitled to
27 custody under section 16 of this act.

28 Sec. 18. Neither the owner, lessee, nor occupant of the

1 premises from which any abandoned motorboat is removed, nor the
2 state, city, village, or county, shall be liable for any loss or
3 damage to such motorboat which occurs during its removal or while
4 in the possession of the state, city, village, or county or its
5 contractual agent or as a result of any subsequent disposition.

6 Sec. 19. No person shall cause any motorboat to be
7 abandoned as described in subdivision (1)(a), (b), or (c) of
8 section 12 of this act.

9 Sec. 20. No person other than one authorized by the
10 appropriate local authority or state agency shall destroy, deface,
11 or remove any part of a motorboat which is left unattended on a
12 highway or other public place without a hull identification number
13 affixed or which is abandoned. Anyone violating this section is
14 guilty of a Class V misdemeanor.

15 Sec. 21. The last-registered owner of an abandoned
16 motorboat shall be liable to the local authority or state agency
17 for the costs of removal and storage of such motorboat.

18 Sec. 22. The Director of Motor Vehicles may adopt and
19 promulgate rules and regulations providing for such forms and
20 procedures as are necessary or desirable to effectuate sections 12
21 to 23 of this act. Such rules and regulations may include
22 procedures for the removal and disposition of hull identification
23 numbers of abandoned motorboats, forms for local records for
24 abandoned motorboats, and inquiries relating to ownership of such
25 motorboats.

26 Sec. 23. Any person violating sections 12 to 19 of this
27 act shall be guilty of a Class II misdemeanor.

28 Sec. 24. Section 60-106, Revised Statutes Supplement,

1 2002, is amended to read:

2 60-106. (1) Each county shall issue and file
3 certificates of title using the vehicle titling and registration
4 computer system prescribed by the Department of Motor Vehicles.

5 (2) (a) Application for a certificate of title shall be
6 made upon a form prescribed by the Department of Motor Vehicles.
7 All applications shall be accompanied by the fee prescribed in
8 section 60-115.

9 (b) All applications for a certificate of title to a
10 mobile home as defined in subdivision (2) of section 60-614 shall
11 be accompanied by a mobile home transfer statement prescribed by
12 the Property Tax Administrator. The mobile home transfer statement
13 shall be filed by the applicant with the county clerk of the county
14 of application for title. The county clerk shall issue a
15 certificate of title to a mobile home but shall not deliver the
16 certificate of title unless the mobile home transfer statement
17 accompanies the application for title, except that the failure to
18 provide the mobile home transfer statement shall not prevent the
19 notation of a lien on the face of the certificate of title to the
20 mobile home pursuant to section 60-110 and delivery to the holder
21 of the first lien. The county clerk shall retain the original copy
22 of the mobile home transfer statement, forward two copies to the
23 county assessor, and provide a copy to the applicant.

24 (3) (a) If the motor vehicle has situs in Nebraska, the
25 application shall be filed with the county clerk of the county in
26 which the vehicle has situs as defined in section 60-3001.

27 (b) If the applicant is a nonresident, the application
28 shall be filed in the county in which the transaction is

1 consummated.

2 (c) All applicants registering a vehicle pursuant to
3 section 60-305.09 shall file the application for title to the
4 vehicle with the Division of Motor Carrier Services of the
5 Department of Motor Vehicles. The division shall deliver the
6 certificate to the applicant if there are no liens on the vehicle.
7 If there are any liens on the vehicle, the division shall deliver
8 or mail the certificate of title to the holder of the first lien on
9 the day of issuance. All certificates of title issued by the
10 division shall be issued in the manner prescribed for the county
11 clerk in section 60-107.

12 (4) If a certificate of title has previously been issued
13 for the motor vehicle in this state, the application for a new
14 certificate of title shall be accompanied by the certificate of
15 title duly assigned unless otherwise provided for in sections
16 60-102 to 60-117. If a certificate of title has not previously
17 been issued for the motor vehicle in this state or if a certificate
18 of title is unavailable pursuant to subsection (4) of section
19 52-1801, the application, unless otherwise provided for in sections
20 60-102 to 60-117, shall be accompanied by a manufacturer's or
21 importer's certificate, as provided for in such sections, a duly
22 certified copy thereof, a certificate of title, a court order
23 issued by a court of record, a manufacturer's certificate of
24 origin, or an assigned registration certificate, if the law of the
25 state from which the motor vehicle was brought into this state does
26 not have a certificate of title law. If the application for a
27 certificate of title in this state is accompanied by a valid
28 certificate of title issued by another state which meets that

1 state's requirements for transfer of ownership, then the
2 application may be accepted by this state. For purposes of this
3 subsection, certificate of title shall include a salvage
4 certificate, a salvage branded certificate of title, or any other
5 document of ownership issued by another state or jurisdiction for a
6 salvage vehicle. Only a salvage branded certificate of title shall
7 be issued to any vehicle conveyed upon a salvage certificate, a
8 salvage branded certificate of title, or any other document of
9 ownership issued by another state or jurisdiction for a salvage
10 vehicle. If a certificate of title has not previously been issued
11 for the vehicle in this state and the applicant is unable to
12 provide such documentation, the applicant may apply for a bonded
13 certificate of title as prescribed in section 60-111.01. The
14 county clerk shall retain the evidence of title presented by the
15 applicant and on which the certificate of title is issued.

16 (5) The county clerk shall use reasonable diligence in
17 ascertaining whether or not the statements in the application for a
18 certificate of title are true by checking the application and
19 documents accompanying the same with the records of motor vehicles
20 in his or her office. If he or she is satisfied that the applicant
21 is the owner of such motor vehicle and that the application is in
22 the proper form, the county clerk shall issue a certificate of
23 title over his or her signature and sealed with his or her seal.

24 (6) In the case of the sale of a motor vehicle, the
25 certificate of title shall be obtained in the name of the purchaser
26 upon application signed by the purchaser, except that (a) for
27 titles to be held by husband and wife, applications may be accepted
28 upon the signature of either one as a signature for himself or

1 herself and as agent for his or her spouse and (b) for an applicant
2 providing proof that he or she is a handicapped or disabled person
3 as defined in section 18-1738, applications may be accepted upon
4 the signature of the applicant's parent, legal guardian, foster
5 parent, or agent.

6 (7) In all cases of transfers of motor vehicles,
7 commercial trailers, semitrailers, or cabin trailers, the
8 application for a certificate of title shall be filed within thirty
9 days after the delivery of such vehicle or trailer. A licensed
10 dealer need not apply for certificates of title for motor vehicles,
11 commercial trailers, semitrailers, or cabin trailers in stock or
12 acquired for stock purposes, but upon transfer of such vehicle or
13 trailer in stock or acquired for stock purposes, the licensed
14 dealer shall give the transferee a reassignment of the certificate
15 of title on such vehicle or trailer or an assignment of a
16 manufacturer's or importer's certificate. If all reassignments on
17 the certificate of title have been used, the licensed dealer shall
18 obtain title in his or her name prior to any subsequent transfer.

19 (8) An application for a certificate of title shall
20 include a statement that an identification inspection has been
21 conducted on the vehicle unless (a) the title sought is a salvage
22 branded certificate of title or a nontransferable certificate of
23 title provided for in section 60-131, (b) the surrendered ownership
24 document is a Nebraska certificate of title, a manufacturer's
25 statement of origin, an importer's statement of origin, a United
26 States Government Certificate of Release of a motor vehicle, or a
27 nontransferable certificate of title issued under section 60-131,
28 (c) the application for a certificate of title contains a statement

1 that such vehicle is to be registered under section 60-305.09, (d)
2 the vehicle is a cabin trailer, (e) the title sought is the first
3 title for a motor vehicle sold directly by the manufacturer of the
4 motor vehicle to a licensed dealer franchised by the manufacturer,
5 or (f) the vehicle was sold at an auction authorized by the
6 manufacturer and purchased by a licensed dealer franchised by the
7 manufacturer of the motor vehicle. The Department of Motor
8 Vehicles shall prescribe a form to be executed by a dealer and
9 submitted with an application for a certificate of title for
10 vehicles exempt from inspection pursuant to subdivision (8)(e) or
11 (f) of this section, which form shall clearly identify the vehicle
12 and state under penalty of law that the vehicle is exempt from
13 inspection. The statement that an identification inspection has
14 been conducted shall be furnished by the county sheriff of any
15 county or by any other holder of a current certificate of training
16 issued pursuant to section 60-121, ~~and~~ and shall be in a format as
17 determined by the department, and shall expire ninety days after
18 the date of the inspection. The county clerk shall accept a
19 certificate of inspection, approved by the Superintendent of Law
20 Enforcement and Public Safety, from an officer of a state police
21 agency of another state. For each inspection a fee of ten dollars
22 shall be paid to the county treasurer. All such fees shall be
23 credited to the county sheriff's vehicle inspection account within
24 the county general fund. The identification inspection required by
25 this subsection shall include examination and notation of the
26 current odometer reading and a comparison of the vehicle
27 identification number with the number listed on the ownership
28 records, except that if a lien is registered against a vehicle and

1 recorded on the vehicle's ownership records, the county clerk shall
2 provide a copy of the ownership records for use in making such
3 comparison. If such numbers are not identical, if there is reason
4 to believe further inspection is necessary, or if the inspection is
5 for a Nebraska assigned number, the person performing the
6 inspection shall make a further inspection of the vehicle which may
7 include, but shall not be limited to, examination of other
8 identifying numbers placed on the vehicle by the manufacturer and
9 an inquiry into the numbering system used by the state issuing such
10 ownership records to determine ownership of a vehicle. The
11 identification inspection shall also include a statement that the
12 vehicle identification number has been checked for entry in the
13 National Crime Information Center and the Nebraska Crime
14 Information Service. If there is cause to believe that odometer
15 fraud exists, written notification shall be given to the office of
16 the Attorney General. If after such inspection the sheriff or his
17 or her designee determines that the vehicle is not the vehicle
18 described by the ownership records, no statement shall be issued.
19 In the case of an assembled vehicle such inspection shall include,
20 but not be limited to, an examination of the records showing the
21 date of receipt and source of each major component part as defined
22 in section 60-2601.

23 (9) An application for a certificate of title for a
24 mobile home or cabin trailer shall be accompanied by a certificate
25 that states that sales or use tax has been paid on the purchase of
26 the mobile home or cabin trailer or that the transfer of title was
27 exempt from sales and use taxes. The county clerk shall issue a
28 certificate of title for a mobile home or cabin trailer but shall

1 not deliver the certificate of title unless the certificate
2 required under this subsection accompanies the application for
3 certificate of title for the mobile home or cabin trailer, except
4 that the failure of the application to be accompanied by such
5 certificate shall not prevent the notation of a lien on the face of
6 the certificate of title to the mobile home or cabin trailer
7 pursuant to section 60-110 and delivery to the holder of the first
8 lien.

9 (10) If a county board consolidates services under the
10 office of a designated county official other than the county clerk
11 pursuant to section 23-186:

12 (a) Applications under subsections (2), (3), and (9) of
13 this section shall be submitted to the designated county official;

14 (b) The designated county official shall perform the
15 duties imposed on the county clerk under subsections (2), (5), and
16 (9) of this section;

17 (c) The designated county official may accept
18 certificates of inspection under the conditions described in
19 subsection (8) of this section; and

20 (d) The designated county official shall act as office of
21 record for title documents, applications, odometer statements,
22 certificates of inspections, and lien and cancellation of lien
23 notations.

24 Sec. 25. Section 60-108, Revised Statutes Supplement,
25 2002, is amended to read:

26 60-108. (1) The Department of Motor Vehicles ~~shall~~ may
27 adopt and promulgate rules and regulations to insure uniform and
28 orderly operation of Chapter 60, article 1, and the county clerks

1 of all counties shall conform to such rules and regulations and act
2 at the direction of the department. The department shall also
3 provide the county clerks with the necessary training for the
4 proper administration of Chapter 60, article 1. The department
5 shall receive all instruments forwarded to it by the county clerks
6 under Chapter 60, article 1, and shall maintain indices covering
7 the state at large for the instruments so received. These indices
8 shall be by motor number or by an identification number as provided
9 for in section 60-302 and alphabetically by the owner's name and
10 shall be for the state at large and not for individual counties.
11 The department shall provide and furnish the forms required by
12 section 60-114, except manufacturers' or importers' certificates.

13 (2) The department shall check with its records all
14 duplicate certificates of title received from the county clerks.
15 If it appears that a certificate of title has been improperly
16 issued, the department shall cancel the same. Upon cancellation of
17 any certificate of title, the department shall notify the county
18 clerk who issued the same, and such county clerk shall thereupon
19 enter the cancellation upon his or her records. The department
20 shall also notify the person to whom such certificate of title was
21 issued, as well as any lienholders appearing thereon, of the
22 cancellation and shall demand the surrender of such certificate of
23 title, but the cancellation shall not affect the validity of any
24 lien noted thereon. The holder of such certificate of title shall
25 return the same to the department forthwith. If a certificate of
26 registration has been issued to the holder of a certificate of
27 title so canceled, the department shall immediately cancel the same
28 and demand the return of such certificate of registration and

1 license plates or tags, and the holder of such certificate of
2 registration and license plates or tags shall return the same to
3 the department forthwith.

4 (3) The county clerk shall keep on hand a sufficient
5 supply of blank forms which, except certificate of title and forms,
6 shall be furnished and distributed without charge to manufacturers,
7 licensed dealers, or other persons residing within the county.

8 (4) If a county board consolidates services under the
9 office of a designated county official other than the county clerk
10 pursuant to section 23-186, the designated county official shall
11 conform to the applicable rules and regulations of the department,
12 shall take the training provided by the department, and shall keep
13 on hand a sufficient supply of blank forms which, except for
14 certificate of title and forms, shall be furnished and distributed
15 without charge to manufacturers, licensed dealers, or other persons
16 residing within the county.

17 Sec. 26. Section 60-110, Revised Statutes Supplement,
18 2002, is amended to read:

19 60-110. (1) The provisions of article 9, Uniform
20 Commercial Code, shall never be construed to apply to or to permit
21 or require the deposit, filing, or other record whatsoever of a
22 security agreement, conveyance intended to operate as a mortgage,
23 trust receipt, conditional sales contract, or similar instrument or
24 any copy of the same covering a motor vehicle. Any mortgage,
25 conveyance intended to operate as a security agreement as provided
26 by article 9, Uniform Commercial Code, trust receipt, conditional
27 sales contract, or other similar instrument covering a motor
28 vehicle, if such instrument is accompanied by delivery of such

1 manufacturer's or importer's certificate and followed by actual and
2 continued possession of the same by the holder of such instrument
3 or, in the case of a certificate of title, if a notation of the
4 same has been made by the county clerk or the Department of Motor
5 Vehicles on the face thereof, shall be valid as against the
6 creditors of the debtor, whether armed with process or not, and
7 subsequent purchasers, secured parties, and other lienholders or
8 claimants but otherwise shall not be valid against them, except
9 that during any period in which a motor vehicle is inventory, as
10 defined in section 9-102, Uniform Commercial Code, held for sale by
11 a person or corporation that is licensed as provided in Chapter 60,
12 article 14, and is in the business of selling motor vehicles, the
13 filing provisions of article 9, Uniform Commercial Code, as applied
14 to inventory, shall apply to a security interest in such motor
15 vehicle created by such person or corporation as debtor without the
16 notation of lien on the instrument of title. A buyer at retail
17 from a licensed dealer of any vehicle which is subject to Chapter
18 60, article 14, in the ordinary course of business shall take such
19 vehicle free of any security interest.

20 (2) Subject to the foregoing subsection (1) of this
21 section, all liens, security agreements, and encumbrances noted
22 upon a certificate of title shall take priority according to the
23 order of time in which the same are noted thereon by the county
24 clerk or the Department of Motor Vehicles. Exposure for sale of
25 any motor vehicle by the owner thereof with the knowledge or with
26 the knowledge and consent of the holder of any lien, security
27 agreement, or encumbrance on such motor vehicle shall not render
28 the same void or ineffective as against the creditors of such owner

1 or holder of subsequent liens, security agreements, or encumbrances
2 upon such motor vehicle.

3 (3) The holder of a security agreement, trust receipt,
4 conditional sales contract, or similar instrument, upon
5 presentation of such instrument to the department, if the
6 certificate of title was issued by the department, or to any county
7 clerk together with the certificate of title and the fee prescribed
8 by section 60-115, may have a notation of such lien made on the
9 face of such certificate of title. The county clerk or the
10 department shall enter the notation and the date thereof over the
11 signature of such officer or deputy and the seal of office. If
12 noted by a county clerk, he or she shall on that day notify the
13 department which shall note the lien on its records. The county
14 clerk or the department shall also indicate by appropriate notation
15 and on such instrument itself the fact that such lien has been
16 noted on the certificate of title.

17 (4) The county clerk or the department, upon receipt of a
18 lien instrument duly signed by the owner in the manner prescribed
19 by law governing such lien instruments together with the fee
20 prescribed for notation of lien, shall notify the first lienholder
21 to deliver to the county clerk or the department, within fifteen
22 days from the date of notice, the certificate of title to permit
23 notation of such junior lien and, after such notation of lien, the
24 county clerk or the department shall deliver the certificate of
25 title to the first lienholder. The holder of a certificate of
26 title who refuses to deliver a certificate of title to the county
27 clerk or the department for the purpose of showing a junior lien on
28 such certificate of title within fifteen days from the date when

1 notified to do so shall be liable for damages to such junior
2 lienholder for the amount of damages such junior lienholder
3 suffered by reason of the holder of the certificate of title
4 refusing to permit the showing of such lien on the certificate of
5 title.

6 (5) When such lien is discharged, the holder shall,
7 within fifteen days after payment is received, note a cancellation
8 of the lien on the face of the certificate of title over his, her,
9 or its signature and deliver the certificate of title to the county
10 clerk or the department which shall note the cancellation of the
11 lien on the face of the certificate of title and on the records of
12 such office. If delivered to a county clerk, he or she shall on
13 that day notify the department which shall note the cancellation on
14 its records. The county clerk or the department shall then return
15 the certificate of title to the owner or as otherwise directed by
16 the owner. The cancellation of lien shall be noted on the
17 certificate of title without charge. If the holder of the title
18 cannot locate a lienholder, a lien may be discharged ten years
19 after the date of filing by presenting proof that thirty days have
20 passed since the mailing of a written notice by certified mail,
21 return receipt requested, to the last-known address of the
22 lienholder.

23 (6) If a county board consolidates services under the
24 office of a designated county official other than the county clerk
25 pursuant to section 23-186, the designated county official shall
26 make notations of all liens and cancellation of liens on motor
27 vehicles and collect fees pursuant to section 60-115.

28 Sec. 27. Section 60-111.01, Revised Statutes Supplement,

1 2002, is amended to read:

2 60-111.01. (1) The Department of Motor Vehicles shall
3 issue a bonded certificate of title to an applicant who:

4 (a) Presents evidence reasonably sufficient to satisfy
5 the department of the applicant's ownership of the vehicle or
6 security interest in the vehicle;

7 (b) Provides a statement that an identification
8 inspection has been conducted pursuant to subsection (8) of section
9 60-106;

10 (c) Pays a fee of fifty dollars; and

11 (d) Files a bond in a form prescribed by the department
12 and executed by the applicant.

13 (2) The bond shall be issued by a surety company
14 authorized to transact business in this state, in an amount equal
15 to one and one-half times the value of the vehicle as determined by
16 the department using reasonable appraisal methods, and conditioned
17 to indemnify any prior owner and secured party, any subsequent
18 purchaser and secured party, and any successor of the purchaser and
19 secured party for any expense, loss, or damage, including
20 reasonable attorney's fees, incurred by reason of the issuance of
21 the certificate of title to the vehicle or any defect in or
22 undisclosed security interest upon the right, title, and interest
23 of the applicant in and to the vehicle. An interested person may
24 have a cause of action to recover on the bond for a breach of the
25 conditions of the bond. The aggregate liability of the surety to
26 all persons having a claim shall not exceed the amount of the bond.

27 (3) At the end of three years after the issuance of the
28 bond, the holder of the certificate of title may apply to the

1 department on a form prescribed by the department for the release
2 of the bond and the removal of the notice required by subsection
3 (4) of this section if no claim has been made on the bond. The
4 department may release the bond at the end of three years after the
5 issuance of the bond if all questions as to the ownership of the
6 vehicle have been answered to the satisfaction of the department
7 unless the department has been notified of the pendency of an
8 action to recover on the bond. If the currently valid certificate
9 of title is surrendered to the department, the department may
10 release the bond prior to the end of the three-year period.

11 (4) The department shall include the following statement
12 on a bonded certificate of title issued pursuant to this section
13 and any subsequent title issued as a result of a title transfer
14 while the bond is in effect:

15 NOTICE: THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED
16 INTEREST, BOND NUMBER

17 (5) The department shall recall a bonded certificate of
18 title if the department finds that the application for the title
19 contained a false statement or if a check presented by the
20 applicant for fees pursuant to this section is returned uncollected
21 by a financial institution.

22 (6) The department shall remit fees collected pursuant to
23 this section to the State Treasurer for credit to the Department of
24 Motor Vehicles Cash Fund.

25 (7) The department ~~shall~~ may adopt and promulgate rules
26 and regulations to carry out this section.

27 Sec. 28. Section 60-301, Revised Statutes Supplement,
28 2002, is amended to read:

1 60-301. For purposes of Chapter 60, article 3, unless
2 the context otherwise requires:

3 (1) Agricultural products means field crops and
4 horticultural, viticultural, forestry, nut, dairy, livestock,
5 poultry, bee, and farm products, including sod grown on the land
6 owned or rented by the farmer, and the byproducts derived from any
7 of them;

8 (2) Apportionable vehicle means any vehicle used or
9 intended for use in two or more member jurisdictions that allocate
10 or proportionally register vehicles and used for the transportation
11 of persons for hire or designed, used, or maintained primarily for
12 the transportation of property. Apportionable vehicle does not
13 include any recreational vehicle, vehicle displaying restricted
14 plates, city pickup and delivery vehicle, bus used in the
15 transportation of chartered parties, or government-owned vehicle.
16 Such vehicle shall either (a) be a power unit having two axles and
17 a gross vehicle weight or registered gross vehicle weight in excess
18 of twenty-six thousand pounds, (b) be a power unit having three or
19 more axles, regardless of weight, or (c) be used in combination
20 when the weight of such combination exceeds twenty-six thousand
21 pounds gross vehicle weight. Vehicles or combinations of vehicles
22 having a gross vehicle weight of twenty-six thousand pounds or less
23 and two-axle vehicles and buses used in the transportation of
24 chartered parties may be proportionally registered at the option of
25 the registrant;

26 (3) Automobile liability policy means liability insurance
27 written by an insurance carrier duly authorized to do business in
28 this state protecting other persons from damages for liability on

1 account of accidents occurring subsequent to the effective date of
2 the insurance arising out of the ownership of a motor vehicle (a)
3 in the amount of twenty-five thousand dollars because of bodily
4 injury to or death of one person in any one accident, (b) subject
5 to the limit for one person, in the amount of fifty thousand
6 dollars because of bodily injury to or death of two or more persons
7 in any one accident, and (c) in the amount of twenty-five thousand
8 dollars because of injury to or destruction of property of other
9 persons in any one accident. An automobile liability policy shall
10 not exclude liability coverage under the policy solely because the
11 injured person making a claim is the named insured in the policy or
12 residing in the household with the named insured;

13 (4) Cabin trailer means any vehicle without motive power
14 designed for living quarters and for being drawn by a motor vehicle
15 and not exceeding one hundred two inches in width, forty feet in
16 length, or thirteen and one-half feet in height, except as provided
17 in subdivision (2)(k) of section 60-6,288;

18 (5) Commercial trailer means any trailer or semitrailer
19 designed, used, or maintained for the transportation of persons or
20 property for hire, compensation, or profit or designed, used, or
21 maintained primarily for the transportation of property and does
22 not include farm trailers, fertilizer trailers, utility trailers,
23 or cabin trailers;

24 (6) Commercial vehicle means any motor vehicle used or
25 maintained for the transportation of persons or property for hire,
26 compensation, or profit or designed, used, or maintained primarily
27 for the transportation of property and does not include farm
28 trucks;

1 (7) Evidence of insurance means evidence of a current and
2 effective automobile liability policy;

3 (8) Farm trailer means any trailer or semitrailer (a)
4 used exclusively to carry a farmer's or rancher's own supplies,
5 farm equipment, and household goods to or from the owner's farm or
6 ranch, (b) used by the farmer or rancher to carry his or her own
7 agricultural products, livestock, and produce to or from storage
8 and market and attached to a passenger car, commercial-licensed
9 vehicle registered for sixteen tons or less, or farm-licensed
10 vehicle, or (c) used by a farmer or rancher to carry his or her own
11 agricultural products, livestock, and produce to and from market.
12 Such trailers shall carry on their license plate, in addition to
13 the registration number, the letter X. Farm trailer does not
14 include a trailer so used when attached to a farm tractor;

15 (9) Farm trucks means trucks, including combinations of
16 trucks or truck-tractors and trailers or semitrailers, of farmers
17 or ranchers (a) used exclusively to carry a farmer's or rancher's
18 own supplies, farm equipment, and household goods to or from the
19 owner's farm or ranch, (b) used by the farmer or rancher to carry
20 his or her own agricultural products, livestock, and produce to or
21 from storage or market, (c) used by farmers or ranchers in exchange
22 of service in such hauling of such supplies or agricultural
23 products, livestock, and produce, or (d) used occasionally to carry
24 camper units, to pull boats or cabin trailers, or to carry or pull
25 museum pieces or vehicles of historical significance, without
26 compensation, to events for public display or educational purposes.
27 Such trucks may carry on their license plates, in addition to the
28 registration number, the designation farm and the words NOT FOR

1 HIRE;

2 (10) Fertilizer trailer means any trailer, including
3 gooseneck applicators or trailers, designed and used exclusively to
4 carry or apply agricultural fertilizer or agricultural chemicals
5 and having a gross weight, including load thereon, of twenty
6 thousand pounds or less. Such trailers shall carry on their
7 license plate, in addition to the registration number, the letter
8 X;

9 (11) Film vehicle means any motor vehicle or trailer used
10 exclusively by a nonresident production company temporarily on
11 location in Nebraska producing a feature film, television
12 commercial, documentary, or industrial or educational videotape
13 production;

14 (12) Fleet means one or more apportionable vehicles;

15 (13) Highways means public streets, roads, turnpikes,
16 parks, parkways, drives, alleys, and other public ways used for the
17 passage of road vehicles;

18 (14) Instate miles means total miles operated (a) in the
19 State of Nebraska during the preceding year by the motor vehicle or
20 vehicles registered and licensed for fleet operation and (b) in
21 noncontracting reciprocity states by vehicles that are base-plated
22 in Nebraska;

23 (15) Local truck means a truck and combinations of
24 trucks, truck-tractors, or trailers or semitrailers operated solely
25 within an incorporated city or village or within ten miles of the
26 corporate limits of the city or village in which they are owned,
27 operated, and registered. Such trucks shall carry on their license
28 plates, in addition to the registration number, the designation of

1 local truck;

2 (16) Motor vehicle means any vehicle propelled by any
3 power other than muscular power except (a) mopeds as defined in
4 section 60-637, (b) farm tractors, (c) self-propelled equipment
5 designed and used exclusively to carry and apply fertilizer,
6 chemicals, or related products to agricultural soil and crops,
7 agricultural floater-spreader implements as defined in section
8 60-6,294.01, and other implements of husbandry designed for and
9 used primarily for tilling the soil and harvesting crops or feeding
10 livestock, (d) power unit hay grinders or a combination which
11 includes a power unit and a hay grinder when operated without
12 cargo, (e) vehicles which run only on rails or tracks, (f) off-road
13 designed vehicles, including, but not limited to, golf carts,
14 go-carts, riding lawnmowers, garden tractors, all-terrain vehicles
15 as defined in section 60-6,355, snowmobiles ~~as defined in section~~
16 ~~60-663~~ registered or exempt from registration under sections
17 60-6,320 to 60-6,346, and minibikes as defined in section 60-636,
18 (g) road and general-purpose construction and maintenance machinery
19 not designed or used primarily for the transportation of persons or
20 property, including, but not limited to, ditchdigging apparatus,
21 asphalt spreaders, bucket loaders, leveling graders, earthmoving
22 carryalls, power shovels, earthmoving equipment, and crawler
23 tractors, (h) self-propelled chairs used by persons who are
24 disabled, and (i) electric personal assistive mobility devices as
25 defined in section 60-618.02;

26 (17) Motorcycle means any motor vehicle, except a
27 tractor, an all-terrain vehicle as defined in section 60-6,355, or
28 an electric personal assistive mobility device as defined in

1 section 60-618.02, having a seat or saddle for use of the rider and
2 designed to travel on not more than three wheels in contact with
3 the ground;

4 (18) Noncontracting reciprocity state means any state
5 which is not a party to any type of contracting agreement between
6 the State of Nebraska and one or more other jurisdictions for
7 registration purposes on commercial vehicles and, as a condition to
8 operate on the highways of that state, (a) does not require any
9 type of vehicle registration or allocation of vehicles for
10 registration purposes or (b) does not impose any charges based on
11 miles operated, other than those that might be assessed against
12 fuel consumed in that state, on any vehicles which are part of a
13 Nebraska-based fleet;

14 (19) Owner means a person, firm, or corporation which
15 holds a legal title of a vehicle. If (a) a vehicle is the subject
16 of an agreement for the conditional sale thereof with the right of
17 purchase upon performance of the conditions stated in the agreement
18 and with an immediate right of possession vested in the conditional
19 vendee, (b) a vehicle is subject to a lease of thirty days or more
20 with an immediate right of possession vested in the lessee, or (c)
21 a mortgagor of a vehicle is entitled to possession, then such
22 conditional vendee, lessee, or mortgagor shall be deemed the owner
23 for purposes of Chapter 60, article 3. For such purpose, there are
24 hereby adopted and incorporated by reference the provisions of
25 Article XI, International Registration Plan, adopted by the
26 American Association of Motor Vehicle Administrators, as revised
27 November 1976;

28 (20) Park means to stop a vehicle for any length of time,

1 whether occupied or unoccupied;

2 (21) Passenger car means a motor vehicle designed and
3 used to carry ten passengers or less and not used for hire;

4 (22) Proof of financial responsibility has the same
5 meaning as in section 60-501;

6 (23) Self-propelled mobile home means a vehicle with
7 motive power designed for living quarters;

8 (24) Semitrailer means any vehicle without motive power
9 designed for carrying persons or property and for being drawn by a
10 motor vehicle and so constructed that some part of its weight and
11 that of its load rests upon or is carried by the towing vehicle;

12 (25) Suspension of operator's license has the same
13 meaning as in section 60-476.02;

14 (26) Total fleet miles means the total number of miles
15 operated in all jurisdictions during the preceding year by the
16 vehicles in such fleet during such year;

17 (27) Trailer means any vehicle without motive power
18 designed for carrying persons or property and being pulled by a
19 motor vehicle and so constructed that no part of its weight rests
20 upon the towing vehicle;

21 (28) Transporter means any person lawfully engaged in the
22 business of transporting vehicles not his or her own solely for
23 delivery thereof (a) by driving singly, (b) by driving in
24 combinations by the towbar, fullmount, or saddlemount methods or
25 any combinations thereof, or (c) when a truck or tractor draws a
26 semitrailer or tows a trailer;

27 (29) Truck means a motor vehicle that is designed, used,
28 or maintained primarily for the transportation of property;

1 (30) Truck-tractor means any motor vehicle designed and
2 used primarily for drawing other vehicles and not so constructed as
3 to carry a load other than a part of the weight of the vehicle and
4 load being drawn;

5 (31) Utility trailer means a trailer having a gross
6 weight, including load thereon, of nine thousand pounds or less
7 attached to a motor vehicle and used exclusively to carry
8 miscellaneous items of personal property. Such trailers shall
9 carry on their license plate, in addition to the registration
10 number, the letter X; and

11 (32) Vehicle means any device in, upon, or by which any
12 person or property is or may be transported or drawn upon a public
13 highway except devices moved solely by human power or used
14 exclusively upon stationary rails or tracks.

15 Sec. 29. Section 60-302.05, Revised Statutes Supplement,
16 2002, is amended to read:

17 60-302.05. (1) (a) The motor vehicle insurance data base
18 is created. The Department of Motor Vehicles shall develop and
19 administer the motor vehicle insurance data base which shall
20 include the information provided by insurance companies as required
21 by the department pursuant to sections 60-302.05 to 60-302.08. The
22 motor vehicle insurance data base shall be used to facilitate
23 registration of motor vehicles in this state by the department and
24 its agents. The Director of Motor Vehicles may contract with a
25 designated agent for the purpose of establishing and operating the
26 motor vehicle insurance data base and monitoring compliance with
27 the financial responsibility requirements of sections 60-302.05 to
28 60-302.08. The department shall implement the motor vehicle

1 insurance data base no later than July 1, 2004. The director shall
2 designate the date for the department's implementation of the motor
3 vehicle insurance data base.

4 (b) The department ~~shall~~ may adopt and promulgate rules
5 and regulations to carry out sections 60-302.05 to 60-302.08. The
6 rules and regulations shall include specifications for the
7 information to be transmitted by the insurance companies to the
8 department for inclusion in the motor vehicle insurance data base,
9 and specifications for the form and manner of transmission of data
10 for inclusion in the motor vehicle insurance data base, as
11 recommended by the Motor Vehicle Insurance Data Base Task Force
12 created in subsection (2) of this section in its report to the
13 department.

14 (2) (a) The Motor Vehicle Insurance Data Base Task Force
15 is created. The Motor Vehicle Insurance Data Base Task Force shall
16 investigate the best practices of the industry and recommend
17 specifications for the information to be transmitted by the
18 insurance companies to the Department of Motor Vehicles for
19 inclusion in the motor vehicle insurance data base and
20 specifications for the form and manner of transmission of data for
21 inclusion in the motor vehicle insurance data base. The Motor
22 Vehicle Insurance Data Base Task Force shall complete a written
23 report of its recommendations and submit the report to the
24 department and file a copy with the Clerk of the Legislature no
25 later than September 30, 2003.

26 (b) The Motor Vehicle Insurance Data Base Task Force
27 shall consist of:

28 (i) The Director of Motor Vehicles or his or her

1 designee;

2 (ii) The Director of Insurance or his or her designee;

3 (iii) The following members who shall be selected by the
4 Director of Insurance:

5 (A) One representative of a domestic automobile insurance
6 company or domestic automobile insurance companies;

7 (B) One representative of an admitted foreign automobile
8 insurance company or admitted foreign automobile insurance
9 companies; and

10 (C) One representative of insurance producers licensed
11 under the laws of this state; and

12 (iv) Four members to be selected by the Director of Motor
13 Vehicles.

14 (c) The requirements of this subsection shall expire on
15 July 1, 2004, except that the Director of Motor Vehicles may
16 reconvene the task force at any time thereafter if he or she deems
17 it necessary.

18 Sec. 30. Section 60-308, Revised Statutes Supplement,
19 2002, is amended to read:

20 60-308. The Department of Motor Vehicles shall keep a
21 record of each vehicle registered, alphabetically by name of the
22 owner, with cross reference in each instance to the registration
23 number assigned to such vehicle. The record may be destroyed by any
24 public officer having custody of it after three years from the date
25 of its issuance.

26 The department shall furnish a copy of the record of a
27 registered or titled vehicle to any person after receiving from the
28 person the name on the registration, the license plate number, the

1 vehicle identification number, or the title number of a vehicle, if
2 the person provides to the department verification of identity and
3 purpose pursuant to section 60-2906 or 60-2907. A fee of ~~one~~
4 ~~dollar~~ three dollars shall be charged for the copy. An extract of
5 the entire file of vehicles registered or titled in the state or
6 updates to the entire file may be provided to a person upon payment
7 of a fee of ~~twelve~~ thirty dollars per thousand records. Any fee
8 received by the department pursuant to this section shall be
9 deposited into the Department of Motor Vehicles Cash Fund.

10 The record of each vehicle registration or title
11 maintained by the department pursuant to this section may be made
12 available electronically through the gateway or electronic network
13 established under section 84-1204 so long as the Uniform Motor
14 Vehicle Records Disclosure Act is not violated. There shall be a
15 fee of ~~one dollar~~ three dollars per record for individual records.
16 For batch requests for multiple vehicle title and registration
17 records selected on the basis of criteria of the individual making
18 the request, there shall be a fee of ~~twenty-four~~ sixty dollars for
19 every request under two thousand records and a fee of ~~twelve~~ thirty
20 dollars per one thousand records for any number of records over two
21 thousand, plus a reasonable programming fee not to exceed five
22 hundred twenty dollars. All fees collected pursuant to this
23 section for electronic access to records through the gateway shall
24 be deposited in the Records Management Cash Fund and shall be
25 distributed as provided in any agreements between the State Records
26 Board and the department.

27 Sec. 31. Section 60-311.01, Revised Statutes Supplement,
28 2002, is amended to read:

1 60-311.01. (1) Commencing with the year 1952,
2 registration of motor vehicles shall be carried out by counties.

3 (2) (a) Each county in the state shall use the county
4 number system except as otherwise provided in this subsection.

5 (b) Except as provided in subdivision (d) of this
6 subsection, beginning January 1, 2002, registration of motor
7 vehicles in counties having a population of one hundred thousand
8 inhabitants or more according to the most recent federal decennial
9 census shall be by an alphanumeric system rather than by the county
10 number system.

11 (c) Except as provided in subdivision (d) of this
12 subsection, beginning January 1, 2002, registration of motor
13 vehicles in all other counties shall be, at the option of each
14 county board, by either the alphanumeric system or the county
15 number system.

16 (d) Beginning January 1, 2002, registration of motor
17 vehicles as farm trailers or farm trucks shall be by the county
18 number system.

19 (3) Counties using the alphanumeric system shall show on
20 the license plates of vehicles licensed therein a combination of
21 three letters followed by a combination of three numerals. The
22 department ~~shall~~ may adopt and promulgate rules and regulations
23 creating alphanumeric distinctions on the license plates based upon
24 the registration of the vehicle.

25 (4) Counties using the county number system shall show on
26 vehicles licensed therein a county number on the license plate
27 preceding a dash which shall then be followed by the individual
28 number assigned to the motor vehicle, and which identification

1 number, excluding the county prefix number, may be combined with
2 letters and numerals of the same height. The county numbers
3 assigned to the counties in Nebraska shall be as follows:

4	No.	Name of County	No.	Name of County
5	1	Douglas	2	Lancaster
6	3	Gage	4	Custer
7	5	Dodge	6	Saunders
8	7	Madison	8	Hall
9	9	Buffalo	10	Platte
10	11	Otoe	12	Knox
11	13	Cedar	14	Adams
12	15	Lincoln	16	Seward
13	17	York	18	Dawson
14	19	Richardson	20	Cass
15	21	Scotts Bluff	22	Saline
16	23	Boone	24	Cuming
17	25	Butler	26	Antelope
18	27	Wayne	28	Hamilton
19	29	Washington	30	Clay
20	31	Burt	32	Thayer
21	33	Jefferson	34	Fillmore
22	35	Dixon	36	Holt
23	37	Phelps	38	Furnas
24	39	Cheyenne	40	Pierce
25	41	Polk	42	Nuckolls
26	43	Colfax	44	Nemaha
27	45	Webster	46	Merrick
28	47	Valley	48	Red Willow

1	49	Howard	50	Franklin
2	51	Harlan	52	Kearney
3	53	Stanton	54	Pawnee
4	55	Thurston	56	Sherman
5	57	Johnson	58	Nance
6	59	Sarpy	60	Frontier
7	61	Sheridan	62	Greeley
8	63	Boyd	64	Morrill
9	65	Box Butte	66	Cherry
10	67	Hitchcock	68	Keith
11	69	Dawes	70	Dakota
12	71	Kimball	72	Chase
13	73	Gosper	74	Perkins
14	75	Brown	76	Dundy
15	77	Garden	78	Deuel
16	79	Hayes	80	Sioux
17	81	Rock	82	Keya Paha
18	83	Garfield	84	Wheeler
19	85	Banner	86	Blaine
20	87	Logan	88	Loup
21	89	Thomas	90	McPherson
22	91	Arthur	92	Grant
23	93	Hooker		

24 Sec. 32. Section 60-311.02, Revised Statutes Supplement,
25 2002, is amended to read:

26 60-311.02. (1) The letters and numerals for motorcycle
27 and trailer plates may be one-half the size of those required for
28 motor vehicles.

1 (2) On license plates issued to a manufacturer or dealer,
2 there shall be displayed, in addition to the registration number,
3 the letters DLR.

4 (3) On license plates issued for use on motor vehicles
5 which are exempt pursuant to subdivision (6) of section 60-3002,
6 there shall be ~~embossed~~ displayed, in addition to the registration
7 number, the word exempt which shall appear at the bottom of the
8 license plates issued after January 1, 1999. The Department of
9 Motor Vehicles may provide distinctive plates for the exempt
10 vehicles.

11 (4) On commercial trucks and truck-tractors with a gross
12 weight of five tons or over and on farm trucks with a gross weight
13 of over sixteen tons there shall be displayed, in addition to the
14 registration number, the weight that such vehicle is licensed for,
15 using a sticker or tab on the registration plates of such trucks in
16 letters and figures of such size and design as shall be determined
17 and furnished by the department.

18 (5) When two registration plates are issued, one shall be
19 prominently displayed at all times on the front and one on the rear
20 of the registered vehicle. When only one plate is issued for
21 dealers, motorcycles, semitrailers, trailers, cabin trailers, and
22 buses, it shall be prominently displayed on the rear of the
23 registered vehicle. When only one plate is issued for motor
24 vehicles registered pursuant to section 60-305.09 and
25 truck-tractors, it shall be prominently displayed on the front of
26 the apportioned vehicle.

27 (6) Any violation of this section shall be subject to a
28 penalty or penalties as provided in section 60-348.

1 Sec. 33. Section 60-483, Revised Statutes Supplement,
2 2002, is amended to read:

3 60-483. (1) The director shall assign a distinguishing
4 number to each operator's license issued and shall keep a record of
5 the same which shall be open to public inspection by any person
6 requesting inspection of such record who qualifies under section
7 60-2906 or 60-2907. Any person requesting such driver record
8 information shall furnish to the Department of Motor Vehicles (a)
9 verification of identity and purpose that the requester is entitled
10 under section 60-2906 or 60-2907 to disclosure of the personal
11 information in the record, (b) the name of the person whose record
12 is being requested, and (c) when the name alone is insufficient to
13 identify the correct record, the department may request additional
14 identifying information. The department shall, upon request of any
15 requester, furnish a certified abstract of the operating record of
16 any person and shall charge the requester a fee of three dollars
17 per abstract.

18 (2) The department shall remit any revenue generated
19 under subsections (1) through (5) of this section to the State
20 Treasurer, and the State Treasurer shall credit eight and one-third
21 percent to the Department of Motor Vehicles Cash Fund, fifty-eight
22 and one-third percent to the General Fund, and thirty-three and
23 one-third percent to the Records Management Cash Fund.

24 (3) The director shall, upon receiving a request and an
25 agreement from the United States Selective Service System to comply
26 with requirements of this section, furnish driver record
27 information to the United States Selective Service System to
28 include the name, post office address, date of birth, sex, and

1 social security number of licensees. The United States Selective
2 Service System shall pay all costs incurred by the department in
3 providing the information but shall not be required to pay any
4 other fee required by law for information. No driver record
5 information shall be furnished to the United States Selective
6 Service System regarding any female, nor regarding any male other
7 than those between the ages of seventeen years and twenty-six
8 years. The information shall only be used in the fulfillment of
9 the required duties of the United States Selective Service System
10 and shall not be furnished to any other person.

11 (4) The director shall keep a record of all applications
12 for operators' licenses that are disapproved with a brief statement
13 of the reason for disapproval of the application.

14 (5) The director may establish a monitoring service which
15 provides information on operating records that have changed due to
16 any adjudicated traffic citation or administrative action. The
17 director shall charge a fee of six cents per operating record
18 searched pursuant to this section and the fee provided in
19 subsection (1) of this section for each abstract returned as a
20 result of the search.

21 (6) Driver record header information, including name,
22 license number, date of birth, address, and physical description,
23 from every driver record maintained by the department may be made
24 available so long as the Uniform Motor Vehicle Records Disclosure
25 Act is not violated. Monthly updates, including all new records,
26 may also be made available. There shall be a fee of thirty dollars
27 per thousand records. All fees collected pursuant to this
28 subsection shall be remitted to the State Treasurer for credit to

1 the Department of Motor Vehicles Cash Fund.

2 Sec. 34. Section 60-6,324, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-6,324. (1) The certificate of registration and
5 numbered decal issued shall be valid for two years. The
6 registration period for snowmobiles shall expire on the last day of
7 September two years after the year of issuance, and renewal shall
8 become delinquent on the first day of the following month.

9 (2) Such registration may be renewed every two years in
10 the same manner as provided for the original registration. ~~On~~
11 ~~making application for renewal, the registration certificate for~~
12 ~~the preceding registration period shall be presented with the~~
13 ~~application. If such certificate is not presented, a fee of one~~
14 ~~dollar shall be added to the registration fee.~~

15 (3) Every owner of a snowmobile shall renew his or her
16 registration in the manner prescribed in sections 60-6,320 to
17 60-6,346 upon payment of the registration fees provided in section
18 60-6,323.

19 Sec. 35. Section 60-1805, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-1805. Such permit shall be renewed annually in the
22 same manner and upon the payment of the same fee as provided for
23 original issuance. Such renewal shall become due on the first day
24 of January of each year and delinquent on March 1 of each year. ~~On~~
25 ~~making an application for renewal, the permit for the preceding~~
26 ~~year must be presented with the application. In case such permit~~
27 ~~is not presented, the county treasurer shall not issue the renewal~~
28 ~~permit until a sworn statement shall be made stating what~~

1 ~~disposition has been made of the previous permit, and an additional~~
2 ~~fee of one dollar shall be charged.~~

3 Sec. 36. Section 81-8,219, Revised Statutes Supplement,
4 2002, is amended to read:

5 81-8,219. The State Tort Claims Act shall not apply to:

6 (1) Any claim based upon an act or omission of an
7 employee of the state, exercising due care, in the execution of a
8 statute, rule, or regulation, whether or not such statute, rule, or
9 regulation is valid, or based upon the exercise or performance or
10 the failure to exercise or perform a discretionary function or duty
11 on the part of a state agency or an employee of the state, whether
12 or not the discretion is abused;

13 (2) Any claim arising with respect to the assessment or
14 collection of any tax or fee, or the detention of any goods or
15 merchandise by any law enforcement officer;

16 (3) Any claim for damages caused by the imposition or
17 establishment of a quarantine by the state whether such quarantine
18 relates to persons or property;

19 (4) Any claim arising out of assault, battery, false
20 imprisonment, false arrest, malicious prosecution, abuse of
21 process, libel, slander, misrepresentation, deceit, or interference
22 with contract rights;

23 (5) Any claim by an employee of the state which is
24 covered by the Nebraska Workers' Compensation Act;

25 (6) Any claim based on activities of the Nebraska
26 National Guard when such claim is cognizable under the Federal Tort
27 Claims Act, 28 U.S.C. 2674, or the National Guard Tort Claims Act
28 of the United States, 32 U.S.C. 715, or when such claim accrues as

1 a result of active federal service or state service at the call of
2 the Governor for quelling riots and civil disturbances;

3 (7) Any claim based upon the failure to make an
4 inspection or making an inadequate or negligent inspection of any
5 property other than property owned by or leased to the state to
6 determine whether the property complies with or violates any
7 statute, ordinance, rule, or regulation or contains a hazard to
8 public health or safety unless the state had reasonable notice of
9 such hazard or the failure to inspect or inadequate or negligent
10 inspection constitutes a reckless disregard for public health or
11 safety;

12 (8) Any claim based upon the issuance, denial,
13 suspension, or revocation of or failure or refusal to issue, deny,
14 suspend, or revoke any permit, license, certificate, or order.
15 Such claim shall also not be filed against a state employee acting
16 within the scope of his or her office. Nothing in this subdivision
17 shall be construed to limit the state's liability for any claim
18 based upon the negligent execution by a state employee in the
19 issuance of a certificate of title under sections 37-1278 to
20 37-1279, 37-1282, 37-1283, 37-1291, 60-110 to 60-112, and 60-129 to
21 60-131 and sections 5 to 11 of this act;

22 (9) Any claim arising out of the malfunction,
23 destruction, or unauthorized removal of any traffic or road sign,
24 signal, or warning device unless it is not corrected by the
25 governmental entity responsible within a reasonable time after
26 actual or constructive notice of such malfunction, destruction, or
27 removal. Nothing in this subdivision shall give rise to liability
28 arising from an act or omission of any governmental entity in

1 placing or removing any traffic or road signs, signals, or warning
2 devices when such placement or removal is the result of a
3 discretionary act of the governmental entity;

4 (10) Any claim arising out of snow or ice conditions or
5 other temporary conditions caused by nature on any highway as
6 defined in section 60-624, bridge, public thoroughfare, or other
7 state-owned public place due to weather conditions. Nothing in
8 this subdivision shall be construed to limit the state's liability
9 for any claim arising out of the operation of a motor vehicle by an
10 employee of the state while acting within the course and scope of
11 his or her employment by the state;

12 (11) Any claim arising out of the plan or design for the
13 construction of or an improvement to any highway as defined in such
14 section or bridge, either in original construction or any
15 improvement thereto, if the plan or design is approved in advance
16 of the construction or improvement by the governing body of the
17 governmental entity or some other body or employee exercising
18 discretionary authority to give such approval; or

19 (12) Any claim arising out of the alleged insufficiency
20 or want of repair of any highway as defined in such section,
21 bridge, or other public thoroughfare. Insufficiency or want of
22 repair shall be construed to refer to the general or overall
23 condition and shall not refer to a spot or localized defect. The
24 state shall be deemed to waive its immunity for a claim due to a
25 spot or localized defect only if the state has had actual or
26 constructive notice of the defect within a reasonable time to allow
27 repair prior to the incident giving rise to the claim.

28 Sec. 37. This act becomes operative on January 1, 2004.

1 Sec. 38. Original sections 37-1201, 60-6,324, and
2 60-1805, Reissue Revised Statutes of Nebraska, and sections 13-910,
3 30-24,125, 37-1291, 60-106, 60-108, 60-110, 60-111.01, 60-301,
4 60-302.05, 60-308, 60-311.01, 60-311.02, 60-483, and 81-8,219,
5 Revised Statutes Supplement, 2002, are repealed.